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EXAMINER

BROOKS, MATTHEW L

ART UNIT

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3629

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01/04/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/966,033	Applicant(s) SMITH ET AL.	
	Examiner MATTHEW L. BROOKS	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,21-24,28-30 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,21-24,28-30 and 48-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the Amendment/Req.
Reconsideration-After Non-Final Reject filing on 08/09/2010.

Status of Claims

2. Claims **2, 21-24, 28-30, 48** and (New) claims **49-51** are currently pending.

Priority

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claims Priority from Provisional Application 60236976, filed 09/29/2000

Child Data; 09865889, filed on 05/25/2001 ,now abandoned Claims Priority from Provisional Application 60236976 , filed on 09/29/2000 09966033, filed on 09/28/2001 and having 3 RCE-type filings therein, Claims Priority from Provisional Application 60236976 , filed on 09/29/2000; PCT/US01/30433, filed on 09/28/2001 Claims Priority from Provisional Application 60236976 , filed on 09/29/2000.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The current title reads "PERSONAL MAIL PIECE TRACING AND TRACKING MECHANISM" (emphasis added). The following word, replacing mechanism in the title is suggested: "SYSTEM and/or Computer Readable Medium".

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The claims have been prosecuted many rounds, but now there are method steps that the server performs, in which a flow chart of such has never been shown. Therefore, the flowchart of claim 2's steps, (i)-(vi) as labeled below, FOR EXAMPLE; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the

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remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Note if Applicant is unclear in regard to this objection or any rejections with in this office action, Applicant is encouraged to call the Examiner of record below.

Claim Rejections - 35 USC § 112 2nd

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims **2, 21-24, 28-30, 48** and (New) claims **49-51** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. NOTE: **Claim 2** are herein addressed on their face for 112 2nd issues; although note this is only to provide further evidence that the 112 2nd “multiplicity” “maze of confusion” rejection provided further below in paragraph number 10 is proper.

9. Claim 2; See notes in parenthesis and bolded to guide Applicant and the Board of Appeals, when/if necessary.

Claim 2. (Currently Amended) A mail piece (**112 2nd – it is indefinite as to mail piece, what it is; it could be both a physical, and or electronic email; see 2, A, (ii), below**) tracking system including:

A. one or more servers that perform the operations of:

i. *acquiring information* from (1) one or more mail piece sources, (2) postal services or (3) delivery companies, including in such information, one or more user identifiers, and from said information (**THIS WHOLE STEP IS BROADLY INTERPRETED AS RECEIVING A USER ID**)

ii. creating linked information (**LINKED TO WHAT? (i) above?**) for each mail piece containing at least one of: (1) information about the mail piece, (2) delivery status information, (3) address and delivery particulars, (4) a digital copy of the mail piece, (5) a summary of the mail piece, and (6) an excerpt from the mail piece (112 2nd because it is not clear how this is accomplished, physically open email and inspect?);

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ii. (First note that the applicant has more steps than labeled as there is two (ii) steps); associating (112 2nd because this associating step must have been done in the first (ii) just above) said linked information for each mail piece with one or more respective user identifiers, thereby providing a user, by- its user identifier (this is objected and rejected under 112 2nd; first it appears applicant made an error of some sort; secondly; the term USER in all of the claims is not clear; which user doe Applicant herein refer? SENDER or RECIPIENT; OR as argued and not claimed "intended recipient"?), with the capability to track and trace mail pieces sent to or from one or more addresses;

iii. **receiving** (this receiving step is also rejected under 112 2nd, as it is not clear what structure is used; AND NOR does it say how by email/ phone/ open the letter and receive/ therefore after the air is cleared on this one/ a 101 rejection may still be proper.) one or more messages from senders (112 2nd – because it is not clear if from a SENDER UI?) of respective mail pieces and linking (112 2nd – because it is not clear if this is a 2nd linking step; and if so how differs from A; (ii) above; this make the multiplicity rejection below even stronger because looking at clean claim 22, for reference below; there now two “linking” steps, and three “associating” steps) such messages to delivery status information relating to said mail pieces as an attachment (112 2nd – because broadest reasonable interpretation would allow this to be, for example, a physical post-it™ note to a physical mail piece; see indefiniteness of such term above.) to

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said linked information, said attachment consisting of the one or more messages from the senders of the mail pieces;

iv. providing (112 2nd – because it is not clear to whom/what providing?) in said linked information listings of the delivery status information (112 2nd – not clear what structure is this accomplished? Email on PDA on Mobile Device; and whose UI is it? Which user type?) for the mail pieces directed to or sent from respective users that are associated with the user identifiers;

v. providing (this second providing step is not clear or FAILS TO LIMIT delivery status already shown above, if person/user checked delivery status above and trx was complete, all of this step inherently provided above, perhaps it better said, deliver status comprises;; ?) a table displayable on a web site that is accessible by a user, setting out a substantially complete record of a transaction from start to finish, including (1) the date of shipment of an ordered article, (2) the date of delivery of an ordered article to the user, and (3) the return delivery of the article to the company, (4) the dates of the debiting or crediting of payment for the ordered article with the user's credit or debit card; and

vi. providing transaction information from billing companies that bill the user regularly for supplying goods or services, and supplying the user with a confirmation of receipt of a payment by the billing company (112 2nd - this is not clear; USER again used throughout is just not clear; which user/ sender/recipient/ 3rd party offering service; etc); **and**

The above is all for just one claim, and for each independent claims presented the maze of confusion grows deeper, one only need to look to the prior 112 2nd rejections asserted by my fellow examiner sent 5/11/2010.... THEREFORE...

10. Claims 1-74 are also rejected under 112 2nd "multiplicity". And in reply to this action is requested to choose one of the following for prosecution of the merits in this instant application; Claims 2 and 51; 21; 22-24; 28-30; or 48-50. See below for rule and analysis.

ALSO NOTE: All rejections asserted in the previous office action sent 5/11/2010, until the above is accomplished, are herein maintained and incorporated so Applicant is advised to submit the same or new remarks in reply to at least the claims selected based upon the above and below analysis.

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2173.05(n) [R-2] Multiplicity**37 CFR 1.75. Claim(s).**

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(b) More than one claim may be presented provided they differ substantially from each other and are not unduly multiplied.

Where, in view of the nature and scope of applicant's invention, applicant presents an unreasonable number of claims which ** are repetitious and multiplied, the net result of which is to confuse rather than to clarify, a rejection on undue multiplicity based on 35 U.S.C. 112, second paragraph, may be appropriate. As noted by the court in *In re Chandler*, 319 F.2d 211, 225, 138 USPQ 138, 148 (CCPA 1963), "applicants should be allowed reasonable latitude in stating their claims in regard to number and phraseology employed. The right of applicants to freedom of choice in selecting phraseology which truly points out and defines their inventions should not be abridged. Such latitude, however, should not be extended to sanction that degree of repetition and multiplicity which beclouds definition in a maze of confusion. The rule of reason should be practiced and applied on the basis of the relevant facts and circumstances in each individual case." See also *In re Flint*, 411 F.2d 1353, 1357, 162 USPQ 228, 231 (CCPA 1969). Undue multiplicity rejections based on 35 U.S.C. 112, second paragraph, should be applied judiciously and should be rare.

If an undue multiplicity rejection under 35 U.S.C. 112, second paragraph, is appropriate, the examiner should contact applicant by telephone explaining that the claims are unduly multiplied and will be rejected under 35 U.S.C. 112, second paragraph. Note MPEP § 408. The examiner should also request that applicant select a specified number of claims for purpose of examination. If applicant is willing to select, by telephone, the claims for examination, an undue multiplicity rejection on all the claims based on 35 U.S.C. 112, second paragraph, should be made in the next Office action along with an action on the merits on the selected claims. If applicant refuses to comply with the telephone request, an undue multiplicity rejection of all the claims based on 35 U.S.C. 112, second paragraph, should be made in the next Office action. Applicant's reply must include a selection of claims for purpose of examination, the number of which may not be greater than the number specified by the examiner. In response to applicant's reply, if the examiner adheres to the undue multiplicity rejection, it should be repeated and the selected claims will be examined on the merits. This procedure preserves applicant's right to have the rejection on undue multiplicity reviewed by the Board of Patent Appeals and Interferences.

Also, it is possible to reject one claim on an allowed claim if they differ only by subject matter old in the art. This ground of rejection is set forth in *Ex parte Whitelaw*, 1915 C.D. 18, 219 O.G. 1237 (Comm'r Pat. 1914). The *Ex parte Whitelaw* doctrine is restricted to cases where the claims are unduly multiplied or are substantial duplicates. *Ex parte Kochan*, 131 USPQ 204, 206 (Bd. App. 1961).

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11. Examiner has worked at the office for 6 years, and in over 800 actions has made this rejection only once, so the application of it is "rare". A telephone call was made to attorney of record Rita Rooney; on January 1, 2011 at 10:40 AM; EASTERN; no reply was received, by sending date of this action. Examiner has examined the most comprehensive set of claims, **Claims 2**, purposes of 112 2nd. The rest of the claims are repeated over and over and have lead to a "maze of confusion". A clear example of "confusion maze", is seen looking at the claims in succession.

(see below; where examiner as cleaned the claims and provided more confusion guidance, with steps being labeled to show improper labeling issues.)

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2. (Currently Amended) A mail piece tracking system including:

A. one or more servers that perform the operations of:

i. **acquiring information** from (1) one or more mail piece sources,

(2)

postal services or (3) delivery companies, including in such information, one or more user identifiers, and from said information

ii. **creating linked information** for each mail piece containing at

least

one of: (1) information about the mail piece, (2) delivery status information, (3) address and delivery particulars, (4) a digital copy of the mail piece, (5) a summary of the mail piece, and (6) an excerpt from the mail piece;

ii. **associating said linked** information for each mail piece with

one or

more respective user identifiers, thereby providing a user, by- its user identifier, with the capability to track and trace mail pieces sent to or from one or more addresses;

iii. **receiving** one or more messages from senders of respective

mail

pieces and linking such messages to delivery status information relating to said mail pieces as an attachment to said linked information, said attachment consisting of the one or more messages from the senders of the mail pieces;

iv. **providing** in said linked information listings of the delivery

status

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information for the mail pieces directed to or sent from respective users that are associated with the user identifiers;

v. providing a table displayable on a web site that is accessible by

a

user, setting out a substantially complete record of a transaction from start to finish, including (1) the date of shipment of an ordered article, (2) the date of delivery of an ordered article to the user, **and** (3) the return delivery of the article to the company, (4) the dates of the debiting or crediting of payment for the ordered article with the user's credit or debit card; **and**

vi. providing transaction information from billing companies that bill the user regularly for supplying goods or services, and supplying the user with a confirmation of receipt of a payment by the billing company; **and**

B. one or more browsers or **client executables** through which the respective users associated with the user identifiers access linked information.

51. (New) The mail piece tracking system as defined in Claim 2 wherein said billing companies include utility companies, banks, magazine subscriptions and shops.

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21. (Currently Amended) Computer executable instructions embodied in a non-transitory computer readable medium, comprising instructions causing the computer to perform:

- A.** associating respective users with user identifiers;
- B.** acquiring information from one or more mail piece sources, postal service and delivery companies including in such information, one or more user identifiers, regarding a mail piece;
- C.** creating linked information for each mail piece, said linked information associating a mail piece with a respective user identifier and providing a user with such information so as to allow the user to track and trace mail pieces sent to or from one or more addresses;
- D.** receiving said linked information from one or more mail piece delivery companies and associating said linked information with respective user identifiers that are associated with the users to which the mail pieces are directed
- E.** receiving information concerning respective mail pieces from the senders of the respective mail pieces;
- F.** generating a user's personal web page, and displaying said linked information on the user's personal web page; and
- G.** **providing** on said user's personal web page a ***graphical user interface adapted to:***
 - i.** notify the respective users of the delivery status of the respective mail pieces, the ***graphical user interface being configured to:***

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ii. provide mail piece delivery status information, and one or more web pages **using which** the user may pay bills and store and maintain - billing information, status information about whether a credit or debit card transaction are completed, and information concerning confirmation payment receipt that is linked to the user identifiers that are associated with the respective users, and

iii. provide to the respective users the information concerning the contents of the respective mail pieces.

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22. (Currently Amended) Computer executable instructions, embodied in a non-transitory computer readable medium, comprising instructions causing the computer to perform:

- A.** associating respective users with respective user identifiers;
- B.** acquiring information from one or more mail piece sources, postal services and delivery companies, including in such information, one or more user identifiers and creating linked information for each mail piece containing mail piece delivery status information and
- B.** associating the linked information with said user identifiers;
- C.** associating with a respective user's s respective mail pieces directed to the respective user, and
- C2.** informing the user of an incoming mail piece;
- D.** receiving mail piece delivery status information from one or more mail piece delivery companies and
- D2.** linking the mail piece delivery status information, relating to respective mail pieces, to the respective user identifiers that are associated with the users to which the mail pieces are associated and
- D3.** displaying said information on that user's personal web page;
- E.** receiving images of at least a portion of contents of the respective mail pieces
- from respective senders and

E2. linking to the delivery status information an attachment consisting of the images of at least a portion of the contents of the respective mail pieces and displaying said images on said user's personal web page;

F. providing to respective users listings of the respective mail pieces and the mail piece delivery status information that are linked to the user identifiers that correspond to the respective users; and

G. providing on said personal web page a graphical user interface configured to:

i. notify the respective users of the delivery status of the associated respective mail pieces;

ii. provide to the users the images of at least a portion of the contents of the respective mail pieces; and

iii. allow the user to pay bills and store and maintain billing information, and to provide status information about whether a credit or debit card transaction is completed, and to provide information about whether receipt of a payment has occurred.

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23. (Currently Amended) The computer executable instructions as defined in

Claim 22 further comprising:

H. providing a graphical user interface ?**FURTHER?** configured to:

provide links₁ for the user, to web pages of respective mail piece delivery companies and respective senders of said mail pieces allowing the user to perform at least one of: (1) sending or receiving a message, (2) receiving or paying a bill, and (3) verifying information based upon a digital signature.

24. (Currently Amended) The computer executable instructions of claim 22 in

which one or more messages from one or more of the senders or the mail delivery companies are received and the interface is further configured to provide the one or more messages associated with the respective mail pieces.

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28. (Currently Amended) A non-transitory computer-readable medium comprising computer program instructions for use in providing mail piece tracking and tracing, the instructions when executed causing:

A. one or more servers to:

i. acquire information from one or more mail piece sources, postal services and delivery companies, including in such information, one or more user identifiers, and

i2. creating linked information for each mail piece containing mail piece delivery status information and

i3. associating said linked information about the mail piece with respective user identifiers to thereby inform the user of an incoming mail piece, providing the user with the capability to track and trace mail pieces sent to or from one or more addresses;

ii. receive messages from senders of the respective mail pieces and adding to said linked information delivery status information and an attachment consisting of the messages from the senders of the respective mail pieces;

iii. produce for a user, a personal web page including listings of the linked information for mail pieces directed to the respective users that correspond to the user identifiers; and

iv. provide in said user's personal web page access to the messages in the listings of the delivery status information; and

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B. one or more browsers to provide to the respective users associated with the user identifiers access to the listings of the linked information and the messages.

29. (Currently Amended) The computer-readable medium as defined in Claim 28 further comprising:

said one or more servers being configured to:

associate with the linked information, transaction information with the listings of the delivery status information on said user' s personal web page allowing the user to perform at least one of: sending or receiving a message, receiving or paying a bill, and verifying information based upon a digital signature.

30. (Currently Amended) The computer-readable medium as defined in Claim 28 further comprising:

said one or more servers being configured to:

produce listings of the mail piece delivery status information for mail pieces directed to the respective users that correspond to the user identifiers; and

include in the listings the information relating to the contents of the respective mail pieces.

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48. (Currently Amended) A mail piece tracing and tracking system comprising:

one or more servers associated with multiple package delivery systems coupled to a network, said one or more servers interfacing with a database storing user identifiers, and said one or more servers associating a user identifier with linked information about packages that are being sent to or from a user of the system using said package delivery systems, said linked information being associated with one or more user identifiers, the server being further configured to store information provided by a user during a postal transaction session as a plurality of queued or stacked messages, the server further maintaining an index, sorted by user identifier attribute, allowing messages associated with a given user to be accessed; and

a plurality of nodes connected by said network to one or more of said servers, said nodes running software executables that communicate directly with the server, said nodes also having access to web browsers allowing the user to login in and inspect linked information about each package that has been assigned to its user identifier providing the user with the capability to track and trace mail pieces sent to or from one or more addresses, at one session, or the user may interrupt a session and continue the session at a later time.

49. (New) The mail piece tracing and tracking system as defined in Claim 48 further comprising: said node in reconstructing a session uses associated queued messages to present to a user one or more screens, templates and/or

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wizards that allow the session to be continued from a point at which the user last communicated with the server.

50. (New) The mail piece tracing and tracking system as defined in Claim 48 further comprising said node maintaining an up-to-date message queue or store for the session

that is associated with the assigned user identifier such that the session may be readily transferred to a different terminal such that the user can continue or complete the session at said different terminal.

Response to Arguments

12. Applicant's arguments filed 08/09/2010 have been fully considered but they are not persuasive and/are moot until the 112 2nd matters are resolved. Moot in part because looking at p 9; Applicant stated that the claims were amended to address examiner rejections; yet looking at above, this is not true.

13. Further, with respect to p 10, the fourth line states "indented recipient" yet this is not ever stated in the claims, and therefore is moot as not claimed, and cannot be properly addressed. IF anything this demonstrates the unclarity of the term "user" as shown above in the 112 2nds.

14. Another problem can be seen looking at the same p. 10, same paragraph;

Applicant states – “

“Applicant's invention solves this problem by providing a personal tracking and tracing system that **allows the user** to track and trace packages **without having to contact the sender**, intended recipient, “

The problem is the sender can be the user, See also 112 2nd above.

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15. With respect to p. 10 last paragraph, "the claimed solution links"; the Applicant never defines "links" clearly; see previous rejection sent; 112's on such.

16. With respect to p. 12; applicant argues; "...a digital copy"; yet this is not even claimed, and further adds fuel to the fire of the maze of confusion and the definiteness of "mail piece" in general in all the claims.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW L. BROOKS whose telephone number is (571)272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

18. NOTE FINAL REJECTION WAS NOT MADE BECAUSE OF THE NEW MULTIPLICITY REJECTION ONLY.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jami Plucinski can be reached on (571) 272-6811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew L. Brooks/
Primary Examiner, GAU 3629
1/3/2011